

**R O B E R T M A R I N E L L I**  
**A T T O R N E Y S A T L A W**  
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November 3, 2009

BY ECF

The Honorable Brian Cogan  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: Council v. City of New York, et al., CV 09 02905 (BMC)

Your Honor:

I represent the plaintiff in this case alleging police misconduct. I write to request leave until November 5, 2009 to file an amended complaint for the purpose of adding Police Officer Hernandez of PSA1.

At the initial conference on September 14, 2009 the Court set a Civil Case Management Plan giving plaintiff until October 28 to join additional parties. Up until yesterday, I mistakenly believed that I had not received additional names from defense counsel. In fact, defense counsel had provided me with Officer Hernandez's name earlier in October. I apologize for my error.

This is counsel's first request for an extension. I have been unable to reach defense counsel to get his position on this request. Initial disclosures and initial discovery demands have been exchanged and non-expert discovery is scheduled to be completed on December 14, 2009. This request will not change any of the other dates in the Case Management Plan.

Respectfully,

/S/

Robert Marinelli (RM-4242)

Copy: Barry Mirvold (by fax)